

CHAPTER 1081

DISASTER EMERGENCIES — REMOVAL OF DEBRIS OR WRECKAGE FROM PUBLIC PROPERTY BY STATE OFFICERS OR EMPLOYEES — LIABILITY

H.F. 2295

AN ACT concerning state agency response to a proclamation of disaster emergency.

Be It Enacted by the General Assembly of the State of Iowa:

Section 1. [Section 29C.6, subsection 4](#), Code 2022, is amended to read as follows:

4. When a disaster emergency is proclaimed, notwithstanding any other provision of law, through the use of state agencies or the use of any of the political subdivisions of the state, clear or remove from publicly or privately owned land or water, debris and wreckage which may threaten public health or safety or public or private property. The governor may accept funds from the federal government and utilize such funds to make grants to any local government for the purpose of removing debris or wreckage from publicly or privately owned land or water. Authority shall not be exercised by the governor unless the affected local government, corporation, organization or individual shall first present an additional authorization for removal of such debris or wreckage from public and private property and, in the case of removal of debris or wreckage from private property, such corporation, organization or individual shall first agree to hold harmless the state or local government against any claim arising from such removal. The state and any of its officers or employees who are engaged in the removal of debris or wreckage on public property shall not be liable to the affected local government on account of any act or omission in good faith while so engaged or on account of the maintenance or use of any equipment or supplies in connection with the removal of debris or wreckage. For purposes of [this subsection](#), “good faith” shall not include willful misconduct, gross negligence, or recklessness. When the governor provides for clearance of debris or wreckage, employees of the designated state agencies or individuals appointed by the state may enter upon private land or waters and perform any tasks necessary to the removal or clearance operation. Any state employee or agent complying with orders of the governor and performing duties pursuant to such orders under [this chapter](#) shall be considered to be acting within the scope of employment within the meaning specified in [chapter 669](#).

Approved May 23, 2022